

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2142

January 5, 2012

SUMMARY OF BILL: Defines "land," "landowner," and "trespasser." Establishes that a landowner owes no duty of care to a trespasser and is not liable to the trespasser for injuries, property damage, or death sustained while on the landowner's property with the following exceptions: if the landowner intentionally causes the injury, property damage or death; if the trespasser was 16 or younger and the injury, damage, or death results from an artificial condition on the land in specified circumstances; if the landowner knows or should know that trespassers consistently enter upon a limited area of the landowner's land in specified circumstances; or if the trespasser was harmed as a result of the landowner not taking reasonable care in carrying on dangerous activities, or failing to warn of artificial conditions involving risk of death or serious bodily injury in specified circumstances. Establishes that a business owner shall not be liable for injuries to a person on business property if the injuries were caused by criminal conduct of a third party, regardless of whether or not the third party is convicted of the criminal conduct.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumption:

- Establishing that landowners owe no duty of care to trespassers except in limited circumstances will have not have a significant fiscal impact on the state trial and appellate courts.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/jdh

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